

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

United States of America, : CRIMINAL ACTION
 : NO. 09-733-2
 v. :
 :
 David Cobb. :
 :

ORDER

AND NOW, this **13th** day of **April, 2021**, after considering Defendant's motion for compassionate release (ECF No. 325), it is hereby **ORDERED** that said motion is **DENIED without prejudice**.¹

AND IT IS SO ORDERED.

Eduardo C. Robreno

EDUARDO C. ROBRENO, J.

¹ Defendant has not demonstrated compliance with the compassionate release exhaustion requirement. A defendant may only move for compassionate release "after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility." 18 U.S.C. § 3582(c)(1)(A). And where a defendant "failed to comply with § 3582(c)(1)(A)'s exhaustion requirement . . . it presents a glaring roadblock foreclosing compassionate release." United States v. Raia, 954 F.3d 594, 597 (3d Cir. 2020).